

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER WILLIAMS, JR.,

Plaintiff,

-against-

CITY OF NEW YORK; JOANNE MATOS;
ANTOINETTE CORT; CAPTAIN LINDSEY-SMITH;
ASSISTANT COMMISSIONER THOMAS GRIFFIN;
JOHN/JANE DOE SUPERVISOR OF 1A HOUSING
UNIT OF FEBRUARY 12, 2023; and LOUIS MOLINA,

Defendants.

23-CV-2700 (JPO)

ORDER OF SERVICE

J. PAUL OETKEN, United States District Judge:

Plaintiff Alexander Williams, Jr. (“Williams”), who is currently detained at the George R. Vierno Center on Rikers Island, brings this *pro se* action under 42 U.S.C. § 1983, alleging that Defendants violated his constitutional rights. He names as Defendants (1) the City of New York, (2) Commissioner Louis Molina, (3) Joanne Matos, Deputy Warden of Operations and Security, (4) Antoinette Cort, GRVC Warden, (5) Lindsey-Smith, Administrative Captain, (6) Thomas Griffin, Assistant Commissioner of Operation, and (7) “John/Jane Doe Supervisor of 1A Housing Unit of February 12, 2023.” By order dated April 18, 2023, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.¹ On April 21, 2023, Plaintiff filed an amended complaint.

As set forth in this order, the Court (1) requests that Defendants waive service of the summons and complaint, (2) directs the New York City Law Department to identify the Doe

¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed *in forma pauperis*. See 28 U.S.C. § 1915(b)(1).

Defendant whom Plaintiff seeks to sue, and (3) refers Plaintiff to the New York Legal Assistance Group.

DISCUSSION

A. Waiver of Service of Summons and Complaint

The Clerk of Court is directed to notify the New York City Department of Correction (“DOC”) and the New York City Law Department of this order. The Court requests that Defendants waive service of summons.

B. Unidentified Doe Defendant

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint, Plaintiff supplies sufficient information to permit the DOC to identify the Doe Defendant whom Plaintiff seeks to sue in this action. It is therefore ordered that the New York City Law Department, which is the attorney for and agent of the DOC, must ascertain the identity and badge number of the Doe Defendant whom Plaintiff seeks to sue here and the address where the Defendant may be served.² The Law Department must provide this information to Plaintiff and the Court within sixty days of the date of this order.

Within thirty days of receiving this information, Plaintiff must notify the Court. The Court will then issue an order directing the Clerk of Court to add the newly named Doe Defendant and ask the Defendant to waive service of the summons and complaint.

² If the Doe defendant is a current or former DOC employee or official, the Law Department should note in the response to this order that an electronic request for a waiver of service can be made under the e-service agreement for cases involving DOC defendants, rather than by personal service at a DOC facility. If the Doe defendant is not a current or former DOC employee or official, but otherwise works or worked at a DOC facility, the Law Department must provide to the Court a residential address where the individual may be served.

C. New York Legal Assistance Group

Plaintiff may consult the legal clinic in this District that assists people who are parties in civil cases and do not have lawyers. The Clinic is run by a private organization called the New York Legal Assistance Group (“NYLAG”); it is not part of, or run by, the court (and, among other things, therefore cannot accept filings on behalf of the court, which must still be made by any *pro se* party through the Pro Se Intake Unit).

To receive limited-scope assistance from the Clinic, Plaintiff may mail a signed retainer and intake form to the NYLAG Pro Se Clinic at 40 Foley Square, LL22, NY, NY 10007. Once the paperwork is received, the Clinic will coordinate contact with the litigant. Once the paperwork is received, it may take up to two weeks for the Clinic to contact the litigant. Copies of the Clinic’s flyer, retainer, and intake form are attached to this order.

CONCLUSION

The Clerk of Court is directed to electronically notify the New York City Department of Correction and the New York City Law Department of this order. The Court requests that Defendants the City of New York, Commissioner Louis Molina, Deputy Warden Joanne Matos, Warden Antoinette Cort, Captain Lindsey-Smith, and Assistant Commissioner Thomas Griffin, waive service of summons. The Clerk of Court is further directed to mail a copy of this order and the complaint to the City of New York Law Department at: 100 Church Street, New York, NY 10007. Finally, the Clerk of Court is directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: May 17, 2023
New York, New York



J. PAUL OETKEN
United States District Judge